

Ordinance No. _____
Subdivision Regulation Amend. No. 07-02
Concerning: Transferable Development
Rights - Subdivision Standard
Revised: 5/20/2007 Draft No. 1
Introduced: June 12, 2007
Public Hearing: July 19, 2007; 7:30 PM
Adopted: _____
Effective: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: Council President Praisner at the request of the Ad Hoc Agricultural Policy Working Group

AN AMENDMENT to the Subdivision Regulations to:

- eliminate the requirement that a development must use at least two-thirds of the allowable number of transferable development rights in order to use any transferable development rights.

By amending the following section of County Code Chapter 50:

Section 50-34, Preliminary subdivision plans-Filing and specifications

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

Sec. 1. Section 50-34 is amended as follows:

50-34. Preliminary subdivision plans-Filing and specifications

* * *

(i) [*Development rights.* Such a preliminary subdivision plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the appropriate general, master, sector or functional plan. However, upon a finding by the Planning Board that for environmental reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.]

[(j)] A preliminary subdivision plan application for a subdivision to be located in a transportation management district, as designated under Chapter 42A, Article II, must contain a draft traffic mitigation agreement that meets the requirements of that article unless one has previously been submitted at the time of project plan submittal under the optional method of development.

Sec. 2. Effective date. This ordinance takes effect on the date of Council adoption.

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date